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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CITY OF SEATTLE,

14 Defendant.

CASE NO. C12-1282JLR

ORDER

15 This matter comes before the court on a stipulated motion by Plaintiff United
16 States of America (“the Government”) and Defendant City of Seattle (“the City”)
17 regarding creation of the Seattle Police Department’s (“SPD”) future accountability
18 system. (Stip. (Dkt. # 297).)

19 During spring 2016, various participants engaged in a working group to discuss
20 the optimal accountability system for the SPD. (*See id.* at 1-2.) At the conclusion of
21 these meetings, the parties and amicus curie filed pleadings related to their discussions.
22 (Dkt. ## 289-91.) Those pleadings indicate that elements of a potential future

1 accountability system implicate provisions of the Consent Decree in this matter. (*See*
2 Stip. at 3.) Accordingly, such elements require court approval. (*See* Consent Decree
3 (Dkt. ## 3-1, 8, 13) ¶ 219; *see also* Stip. at 2-3.)

4 In the instant stipulated motion, the Government and the City request that the court
5 approve “the City of Seattle’s plan for its legislative authority to draft and consider
6 legislation concerning the City’s police accountability system.” (Stip. at 6 (proposed
7 order).) The parties also acknowledge that any legislative proposal may not conflict with
8 the terms or purpose of the Consent Decree. (*Id.* at 2, 4.)

9 The parties stipulate, and the court agrees, that any legislative proposal that
10 implicates the provisions of the Consent Decree requires court approval. (*Id.* at 3.) The
11 question is when should that review take place? The parties propose that the court
12 conduct its review only after “legislation is passed, finalized and provided to the Court.”
13 (*Id.* at 4.) The parties’ proposal is inefficient in that it deprives the City of critical court
14 guidance in shaping SPD accountability systems to ensure that the elements adhere to the
15 terms and purpose of the Consent Decree. The parties’ proposal also potentially places
16 the court in the undesirable position of having to “veto” completed legislation. The court
17 has no desire to waste the time of City Council Members who might be placed in the
18 position of considering, debating, and passing proposed legislation that the court
19 ultimately finds is inconsistent with the terms or purpose of the Consent Decree. The
20 better procedure, and the one more likely to achieve adherence to the terms and purpose
21 of the Consent Decree, is for the court to conduct its review prior to City Council and

1 || mayoral action. The court therefore GRANTS in part and DENIES in part the parties'
2 || stipulated motion (Dkt. # 297) and ENTERS the following order:

The court authorizes the City to draft legislation concerning SPD's accountability systems. Any such legislation shall not be presented to the Seattle City Council until the court has had an opportunity to review it. Within 90 calendar days of the court's receipt of the proposed legislation, the court will endeavor to review the legislation to ensure that it does not conflict with the terms or purpose of the Consent Decree. If the court finds that such a conflict exists, the court will issue an order advising the parties of (a) which aspects of the legislation, if any, the court believes conflict with the *terms* of the Consent Decree, and (b) which aspects of the legislation, if any, the court believes conflict with the *purpose* of the Consent Decree. Once the court approves the proposed legislation, it may be submitted to the City Council. If the adopted legislation contains terms previously disapproved by the court, or new terms the court has not previously reviewed, the City shall then resubmit the proposed legislation to the court for additional review and approval.

16 Dated this 9th day of August, 2016.

John P. Blit

JAMES L. ROBART
United States District Judge